

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON A. PRICE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

17-cv-498-wmc

11-cr-122-wmc-1

Petitioner Jason Price, a federal prisoner, filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255, challenging his enhancement under the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e). This matter was stayed pending the Court of Appeals for the Seventh Circuit’s resolution of *United States v. Franklin*, __ F. App’x __, 2019 WL 2774266 (7th Cir. July 2, 2019), and the Wisconsin Supreme Court’s resolution of the question presented to it in *United States v. Dennis Franklin and Shane Sahm*, 387 Wis. 2d 259, 928 N.W.2d 545 (Wis. June 6, 2019). Based on those decisions, the government agrees that Price’s petition should be granted and he should be resentenced without the ACCA. Accordingly,

ORDER

IT IS ORDERED that:

- 1) Petitioner’s motion to vacate his sentence (dkt. #1) is GRANTED.
- 2) The clerk of court is directed to set this matter for resentencing.

Entered this 6th day of August, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge